



AMENDMENT TRANSMITTAL LETTER			CLIENT-MATTER NO. : 66765-110 (P-UW 4975)
SERIAL NO:	FILING DATE:	EXAMINER:	GROUP ART UNIT: 1637 CONFIRMATION NO.: 5444
INVENTION: THERMOSTABLE POLYMERASES HAVING ALTERRED FIDELITY AND METHODS OF IDENTIFYING AND USING SAME			

RECEIVED  
TECH CENTER 2000  
MAY 19, 2003

TO: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL\*

\*EXPRESS MAIL MAILING LABEL NUMBER: EV 3475463US

DATE OF DEPOSIT: May 13, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
EXPRESS MAIL MAIL OFFICE TO ADDRESSEE, SERVICE CHUFF  
JANET M., ON THE DATE INDICATED ABOVE, AND IS  
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

CHRISTINE M. GRACE  
LINED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE:  
*Christine M. Grace*  
SIGNATURE OF PERSON MAILING PAPER OR FEE:

Transmitted herewith is a response to the communication mailed  
January 13, 2003, in the above-identified application.

— Small Entity status of this application has been established under 37 CFR 1.27.

Petition for Three-Month Extension of Time is enclosed (in duplicate).

— Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.

No additional claims fee is required.

— An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMEND- MENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXTRA CLAIMS PRESENTED	RATE		FEE	
				SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	45	-	45	-	0	x \$9	\$18
INDEPENDENT CLAIMS	4	-	4	-	0	x \$42	\$84
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		YES	XX NO			\$140	\$280
						TOTAL ADDITIONAL FEE	\$0.00

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

Inventors: Loeb et al.  
Serial No.: 09/972,834  
Filed: October 4, 2001  
Page 2

Please charge my Deposit Account No. 502624 the amount of \$930.00, which covers the fee for a three-month extension of time. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Deborah L. Cadena  
Registration No. 44,048  
McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
858-535-9001



PATENT

Client-Matter No.: 66765-110 (P-UW 497)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Loeb et al.

Serial No: 09/972,834

Filed: October 4, 2001

For: THERMOSTABLE POLYMERASES  
HAVING ALTERED FIDELITY AND  
METHODS OF IDENTIFYING AND  
USING SAMECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- ) Confirmation No.: 5445
- ) Group Art Unit: 1637
- ) Examiner: J. Fredman
- ) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
- ) \*EXPRESS MAIL MAILING LABEL NUMBER: EV347546335US
- ) DATE OF DEPOSIT: May 13, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS  
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450.

CHRISTINE M. GRACE

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

RESPONSE TO COMMUNICATION

Responsive to the Communication mailed January 13, 2003, consideration of the following remarks is respectfully requested.

The Communication indicates that the previously filed response to the outstanding Restriction Requirement was not fully responsive because no species election was made. It was pointed out in the previous response filed December 4, 2002, that new claims 51-95 recite polymerase mutants issued in parent application serial No. 08/978,806, now U.S. Patent No. 6,395,524. In light of the previous allowance of the polymerase mutants recited in the presently claimed compositions, it is respectfully submitted that examination of the currently elected species as well as additional species would not be an undue burden on the Examiner.

RECEIVED  
MAY 19 2003  
TECH CENTER 1600/2900

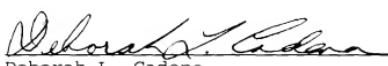
Inventors: Loeb et al.  
Serial No.: 09/972,834  
Filed: October 4, 2001  
Page 2

Applicants elect the polymerase species Arg660Lys. The claims readable on the elected species are claims 51-58 and 67.

It is respectfully submitted that the response filed herewith complies with the requirement set forth in the Communication mailed January 13, 2003, and is fully responsive to the species election requirement. The Examiner is invited to call the undersigned agent or Cathryn Campbell if there are any questions.

Respectfully submitted,

May 13, 2003  
Date

  
Deborah L. Cadena  
Registration No. 44,048  
Telephone No. (858) 535-9001  
Facsimile No. (858) 535-8949

McDermott, Will & Emery  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122